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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,275	10/10/2000	Gary Levenberg	KID-01201	5894

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HAVERSTOCK & OWENS LLP  
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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT PAPER NUMBER

3713

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/686,275

Applicant(s)

LEVENBERG, GARY

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-6, 8-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8-12, 16, 17, and 19-21 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. The Amendment filed in Paper No. 9, January 5, 2004 has been received.

According to the Amendment, claims 1, 5, 9-14, 16, 17, 19, and 20 have been amended; and claims 3, 7, and 18 have been canceled. Currently, claims 1, 2, 4-6, 8-17, and 19-21 are pending in the application. Acknowledgment has been made.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19-21 are vague and indefinite since they are dependant on the canceled claim 18.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-6, 8-12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hongo (5,766,077) in view of Takasaka et al. (5,967,898).

Hongo, teaches a video game system comprising an output screen; a hand-held video controller (11) having control button to manipulate images on a remote screen through a power cord; video game software interfacing between the video game controller and the output screen (Figure 1); a pair circular base plates formed on a top face of the main body and spaced from each other a predetermined distance (controllers 11, 13); and two projections formed on a rear face of the main body; the control buttons of the controller are formed on the base plates, the projections, and the top face of the main body of the controller; and the controller comprises a pair of push buttons formed on the top face of the main body, a pair of handgrips formed on opposite ends of the main body, and a power cord extending from the rear face of the main body for electrically connecting the controller to the video game system (Figure 1). See also, Figures 1-11 and columns 1-15.

Hongo does not explicitly teach the limitations of a video game system comprising interactive video game controller adapter engaged with the hand-held video game controller and shaped to simulate the real-life activity emulated by the video game (claims 1, 5, and 16); the control buttons of the video game controller are activated when the corresponding input controls of the adapter are activated (claims 1 and 5); and the adapter has input controls shaped to simulate the real-life activity emulated by the video game (claims 2 and 6).

Takasaka et al., however, teaches a video game system comprising interactive video game controller adapter (302, 402, 502) engaged with the video game controller and shaped to simulate the real-life activity emulated by the video game, i.e., keyboard

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tablet, clock tablet, soccer game tablet, etc. (12:14-49; 14:1-61; and 15:23-18:52); the adapter has input controls shaped to simulate the real-life activity emulated by the video game; the control buttons of the video game controller are activated when the corresponding input controls of the adapter are activated (Figures 6,9,11, and 13-15). See Figures 1-18 and columns 1-18.

Regarding the limitation of an adapter detachably engaged with the hand-held video game controller (claims 1, 5, and 16), it is notoriously well known in the video game industry to provide different detachable video game adapters to the controllers of portable video game devices, e.g., driving adapter for a Game Boy®, etc.

Further, regarding the limitation of providing different adapter for each different video game of the video game system (claims 4 and 8), this limitation is design choice since each game has different theme and characters and the adapter may be shaped to match a certain type of characters of the game.

Furthermore, regarding the limitation of using the hand-held video controller with a Sony Playstation<sup>TM</sup> video game system (claim 9), this limitation is obvious such as to enable the use of the controller with different game systems.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the attachable video game controller adapter of Takasaka et al. to Hongo's controller adapter and hand-held video game controller to come up a more interesting portable video game system that provides games realistic for game players and user friendly interfaces thus attract more game players and increase sales of the game adapters as well as video games.

6. Claims 13-15 and 19-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Applicant's arguments with respect to claims 1, 2, 4-6, 8-12, 16, 17, and 19-21 have been considered but are not convincing. Regarding applicant's argument that Takasaka et al. fails to teach or suggest a video game controller adapter for detachably engaging a hand-held video game controller, wherein the buttons of the hand-held video game controller are operable through corresponding input controls of the adapter and wherein the video game adapter is configured to simulate a real life activity emulated by a video game (Applicant's response, page 7, third paragraph), this is not convincing. As addressed above, Hongo teaches a video game system comprising a hand-held video controller (11) having control button to manipulate images on a remote screen through a power cord; Takasa et al., further, teaches a video game system comprising interactive video game controller adapter (302, 402, 502) engaged with the video game controller and shaped to simulate the real-life activity emulated by the video game, i.e., keyboard tablet, clock tablet, soccer game tablet, etc. (12:14-49; 14:1-61; and 15:23-18:52); the adapter has input controls shaped to simulate the real-life activity emulated by the video game; the control buttons of the video game controller are activated when the corresponding input controls of the adapter are activated (Figures 6,9,11, and 13-15); furthermore, it is notoriously well known in the video game industry to provide different

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detachable video game adapters to the controllers of portable video game devices, e.g., driving adapter for a Game Boy®, etc.. Hence, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the attachable video game controller adapter of Takasaka et al. to Hongo's controller adapter and hand-held video game controller to come up a more interesting portable video game system that provides games realistic for game players and user friendly interfaces thus attract more game players and increase sales of the game adapters as well as video games.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

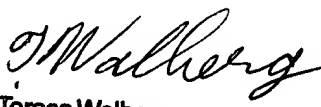
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN

  
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